

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY BLAINE LOVELACE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-05-343-T
)	
UNITED STATES SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
Defendant.)	

ORDER

The Court has before it: (1) Plaintiff's "Complaint for Injunctive Relief," filed March 29, 2005; (2) "Defendant's Motion and Incorporated Memorandum of Law to Dismiss Plaintiff's Complaint," filed May 5, 2005¹; and, (3) the "Report and Recommendation" issued by United States Magistrate Judge Gary M. Purcell on June 2, 2005. In the Report and Recommendation, Judge Purcell recommended the Court grant Defendant's motion and dismiss Plaintiff's Complaint.² Judge Purcell also notified the parties that any objection to the Report and Recommendation must be filed on or before June 22, 2005.

The court of appeals' "firm waiver rule" holds "that a party's objection to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review." United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996). In this case, the court file reveals that Plaintiff failed to timely file an objection to

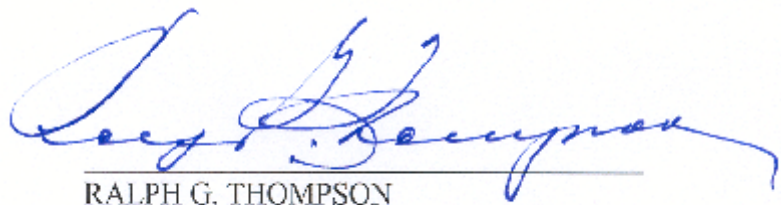
¹ Plaintiff did not object or otherwise respond to Defendant's motion.

² In the Report and Recommendation's first footnote, Judge Purcell suggested that the Social Security Administration be substituted for Jo Anne B. Barnhart as the proper defendant. However, as Plaintiff's "Complaint for Injunctive Relief" clearly and properly named the Social Security Administration as defendant, no substitution is necessary or advisable.

the Recommendation or request an extension of time within which to do so. Thus, Plaintiff's failure to object specifically to any issue addressed in Judge Purcell's Report and Recommendation waives further review.

Accordingly, upon review of the court file, the Court finds that, with the exception of footnote 1, Judge Purcell's June 2, 2005, Report and Recommendation should be ADOPTED. Therefore, the Court GRANTS "Defendant's Motion and Incorporated Memorandum of Law to Dismiss Plaintiff's Complaint" (Doc. No. 8) and Plaintiff's "Complaint for Injunctive Relief" is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 28th day of June, 2005.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE